

VZCZCXRO0397

RR RUEHAG RUEHAST RUEHDA RUEHDF RUEHFL RUEHIK RUEHKW RUEHLA RUEHLN
RUEHLZ RUEHPOD RUEHROV RUEHSR RUEHVK RUEHYG
DE RUEHBW #1733/01 3611645
ZNR UUUUU ZZH
R 271645Z DEC 07
FM AMEMBASSY BELGRADE
TO RUEHC/SECSTATE WASHDC 1976
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RHEHNSC/NSC WASHDC 1418
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK
RHMFISS/CDR USEUCOM VAIHINGEN GE

UNCLAS SECTION 01 OF 04 BELGRADE 001733

SIPDIS

SIPDIS
SENSITIVE

E.O.12958: N/A

TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KBTS](#) [KPAO](#) [SR](#) [MW](#) [KV](#)

SUBJECT: PARLIAMENT ADOPTS UPDATED KOSOVO RESOLUTION

REFS: A) BELGRADE 1050 B) BELGRADE 1727

SUMMARY

11. (SBU) Serbia's parliament overwhelmingly adopted on December 26 a resolution against Kosovo independence. A product of negotiations between ruling coalition parties, the text reiterated Serbia's Kosovo policy without prescribing specific steps Serbia must take if Kosovo declares independence, as hardliners had preferred. Although the Prime Minister assailed U.S. support for Kosovo independence in his remarks to parliament, the resolution itself does not mention the United States. The most noteworthy updates since the previous Kosovo resolution in July 2007 were: objection to an EU Mission in Kosovo, linkage between a Stabilization and Accession Agreement for Serbia's EU integration with Kosovo, and clarification that Serbia will respond to Kosovo independence through legal challenges. All ruling parties maintain that the text will not obstruct Serbia's path to EU integration. Unofficial translation of the resolution is in para 11. End Summary.

RESOLUTION SOFTER THAN RHETORIC

12. (U) Serbia's parliament passed another resolution opposing Kosovo independence on December 26. Similar to the previous resolution on Kosovo (reftel A) passed in July 2007, the resolution states that Kosovo independence would violate international law, UN Security Council Resolution 1244, and Serbia's territorial integrity and sovereignty. The notable additions since the last resolution were objections to an EU Mission in Kosovo and linkages between EU/NATO integration and Kosovo. As in July, the resolution does not call for specific actions in response to a Kosovo declaration of independence, but does call for Serbia to pursue "every legal recourse" and "review" ties with countries that recognize Kosovo. All parties supported the resolution except the Liberal Democratic Party (LDP) and some minority parties. Radical Party (SRS) leaders complained that the resolution did not go far enough but in the end supported the text. President Tadic's Democratic Party (DS) worked with Prime Minister Kostunica's Democratic Party of Serbia (DSS) over the weekend of December 22 to produce the resolution (reftel B).

BROAD SUPPORT

13. (SBU) Advisor to the Kosovo Ministry Stanko Blagojevic (DSS) told poloff December 27 the resolution showed that Serbia "maintained the same Kosovo policy" with updates to reflect new issues facing Serbia since July, such as the proposed EU Mission in Kosovo and the Stabilization and Accession Agreement (SAA). Member of Parliament Konstantin Samofalov (DS) told poloff December 27 it was important that there was consensus on Kosovo by almost all the parties, as

parliament could now move forward on other issues. G17 Plus parliamentary whip Suzana Grubjesic told poloff December 27 that her party was not enthusiastic about the resolution but that her party voted in favor "to bring peace to the house."

TADIC RESTRAINED

¶4. (U) Tadic and Kostunica addressed parliament before the vote. Tadic said that the GOS would never accept Kosovo independence, and would continue struggling to keep Kosovo within Serbia, and to keep Serbia on its path to Europe. Tadic stressed that both principles - the preservation of Kosovo as part of Serbia and keeping Serbia steady on the road to Europe - "must be achieved through a wise policy, by peaceful and diplomatic means." Speaking as Commander in Chief, Tadic said the military would only act "in agreement with corresponding international institutions and with respect to international law."

KOSTUNICA RIPS U.S. POLICY

¶5. (U) Mentioning the United States in his remarks nineteen times, Kostunica berated U.S. policy for violating international law and the interests of Serbia for its military and security interests in Kosovo. "The battle for Kosovo is a battle for the freedom of Serbia," Kostunica told parliament, and "the world should respect Serbia's struggle to defend Kosovo." Kostunica underscored that it would be best if "we agree with the Kosovo Albanians to live together in peace and freedom, because Kosovo is big enough for the implementation of mutual interests." Minister for Kosovo Slobodan Samardzic (DSS) accused the U.S. and some EU member states of discouraging the Kosovo Albanian delegation from reaching an agreement with Belgrade. Samardzic told parliament the Serbian negotiating team had approached the status talks with "good will and

BELGRADE 00001733 002 OF 004

adequate preparation." He added that the negotiations conducted by the Contact Group's Troika had been better than the previous Ahtisaari process. "The role of the Troika was much more cautious and balanced compared to the process run by Ahtisaari," Samardzic said.

RADICALS QUIET

¶6. (SBU) During floor debate, Radical vice-president Tomislav Nikolic complained about the resolution but ultimately supported the measure. Nikolic attacked the GOS (as he did in July) for not specifying consequences for countries that recognize Kosovo and questioned why Kostunica blamed only the United States, and not European countries, for supporting Kosovo independence. Blagojevic said that the Radicals "did not actively participate" in the resolution draft and declined the opportunity to consult with the Ministry on its content. Samofalov assessed that the SRS did not want to complicate their position during election season by voting against something that supported Serbia's Kosovo policy.

DS-DSS-G17: RESOLUTION WON'T DERAIL EUROPEAN INTEGRATION

¶7. (SBU) Although the resolution required "all international agreements signed by Serbia, including the Stabilization and Association Agreement," to "safeguard" Serbia's territorial integrity, officials from all ruling parties said the resolution would not disrupt Serbia's efforts to sign an SAA with the EU. Minister Samardzic told parliament that the draft SAA acknowledged UNSC Resolution 1244 and therefore did not violate Serbia's sovereignty. Blagojevic told poloff December 27 that the resolution did not prevent Serbia from signing an SAA. Samofalov agreed, telling poloff December 27 that he saw no problem with regard to the resolution and EU integration, "and now we can sign the SAA as we expect will happen in January." G17 Plus, for which EU integration is a paramount political issue, agreed -- Grubjesic told poloff December 27 that "there was no alternative" to Serbia's Euro-Atlantic integration and that the resolution could not affect

this path.

DOOR TO NATO LEFT OPEN

¶8. (SBU) The text was tougher on NATO -- recalling the "unlawful bombing" of Serbia and requiring "military neutrality" -- but allowed for Serbia to join after a referendum. Samofalov, whose DS is firmly in favor of NATO membership, told poloff December 27 that he saw no problem between the resolution and NATO membership because a country was neutral in any case before it officially joined an alliance. This is not a problem for now and can be addressed when Serbia is ready, prepared and invited to join NATO, Samofalov said.

"REVIEW" DIPLOMATIC TIES & GO TO COURT, NOT WAR

¶9. (U) According to the resolution, Serbia must "review" diplomatic ties with countries that recognize Kosovo and "use every legal recourse before the competent international and national courts to safeguard the sovereignty and territorial integrity of Serbia" if Kosovo declares independence. Radicals and other hardliners had demanded stricter consequences, but the DSS and DS drafted a text without such enunciated steps.

COMMENT

¶10. (SBU) This restrained resolution represents a win for Tadic. Once again, Tadic has held Serbia's governing coalition together and avoided serious damage to Serbia's prospects for European integration. Tadic was in a difficult position since he believes he needs to fireproof himself with tough public statements on Kosovo, and DSS support if possible, to get reelected. Tadic was successful in delivering a tough but punchless Kosovo resolution while avoiding limits to his efforts to come closer to the EU and to NATO. He also successfully marginalized the Radicals, his main opponent in the upcoming presidential election. Still, Kostunica will try to exercise some control over Tadic during the presidential campaign. Tadic will continue working to keep the DSS from obstructing his reelection and to prevent anyone from outflanking him on Kosovo. Our task is twofold: not to overreact to inevitable overheated campaign rhetoric (whether insults from Kostunica or patriotically tinged statements from Tadic); and to be very clear, in closed discussions with Tadic about what we plan to do after February 3, and how we expect him to manage the post-CDI process with us. End comment.

¶11. (U) Begin unofficial translation of draft resolution:

BELGRADE 00001733 003 OF 004

¶1. On the basis of the endorsed report of the state negotiating team on the second round of negotiations on Kosovo-Metohija's future status (held August 10-December 10, 2007), the National Assembly notes that the Albanian side avoided doing any true negotiation in the same way that it had done during the first round of talks, which was conducted by M. Ahtisaari. The main reason for their obstruction lay in the position of some Western countries that Kosovo should be given independence. In light of this position adopted by Western countries, there was no true incentive for the Albanian delegation to search for a solution to the issue of Kosovo-Metohija's future status in a negotiation process.

¶2. The National Assembly notes that some Western countries strongly oppose a continuation of negotiations on Kosovo-Metohija's future status, which has made it impossible for the UN Security Council to reach a negotiated solution to this issue. These countries are encouraging Albanian representatives in Kosovo-Metohija to proclaim the province's independence and threatening Serbia with recognizing this unlawful act.

¶3. The National Assembly notes with special concern that the EU Council, in conclusions adopted by its presidency on December 14, 2007 (conclusions Nos. 65-70), referred to activities in connection with Kosovo-Metohija and in the province itself that would directly

put the sovereignty and territorial integrity of the Republic of Serbia at risk.

¶4. The National Assembly concludes that a proclamation of Kosovo's independence and recognition of this independence by any country would constitute gross violations of international law, primarily the UN Charter, the Helsinki Final Act, and UNSC Resolution 1244. Such actions and activities would directly put the sovereignty, territorial integrity, and constitutional order of the Republic of Serbia at risk.

¶5. The National Assembly concludes that the deployment of the European Union's proposed mission for implementing Ahtisaari's discarded plan would constitute a threat to the sovereignty, territorial integrity, and constitutional order of the Republic of Serbia. In July 2007, the UN Security Council did not endorse six draft resolution based on Ahtisaari's plan, primarily Annexes 10 and 11 of Ahtisaari's plan. The annexes envisaged deploying an EU mission and NATO forces to Kosovo-Metohija. In view of this, the National Assembly demands that a negotiated settlement for the future status of the province of Kosovo-Metohija must be found and endorsed by the UN Security Council before any mission could be deployed to replace the present UN administration in the province. The National Assembly instructs the government of Serbia to establish with the European Union that no EU mission could be deployed to Serbian territory, to Kosovo-Metohija, without a corresponding decision of the UN Security Council.

¶6. Due to NATO's overall role -- from the unlawful bombing of Serbia without a UNSC decision, to Annex 11 of Ahtisaari's discarded plan, which defines NATO as the "supreme authority" in an "independent Kosovo" -- the National Assembly adopts a decision on declaring Serbia's military neutrality in relation to the existing military alliances until a referendum could possibly be called to adopt a final decision on this issue.

¶7. In view of the above, the National Assembly defines the following positions as the framework for the activity of the government institutions and other public factors in the defense of the sovereignty, territorial integrity, and constitutional order of the Republic of Serbia:

a) the defense of Kosovo-Metohija as an integral part of the Republic of Serbia shall be a priority for the state institutions and all public factors in the country until the adoption of a compromise on this issue based on UNSC Resolution 1244;

b) any act of proclamation or recognition of Kosovo-Metohija's independence and any international action stemming from such an act, whoever may adopt or implement it, shall be declared null and void and in contravention of the constitutional order of the Republic of Serbia. Consequently, Kosovo-Metohija shall be treated by the country's institutions and public factors in their domestic and foreign policy activities as an integral part of Serbia. This position shall apply to each individual act and activity of government institutions and public factors until a compromise for this issue can be found on the basis of UNSC Resolution 1244. Diplomatic and all other relations with countries that might recognize Kosovo-Metohija's independence shall be reviewed on a case-to-case basis;

c) the Serbian government is instructed to adopt a specific and comprehensive plan of measures that should be taken in all areas under its purview in case of an unlawful proclamation of independence of Kosovo-Metohija;

BELGRADE 00001733 004 OF 004

d) the Serbian government is instructed to exercise as efficaciously as possible the constitutional powers of the Republic of Serbia in Kosovo-Metohija and to intensify the activity of the state institutions in the exercise of these powers. The Serbian government is especially instructed to act efficaciously to protect the life and property, rights and freedoms of all people in the province and especially the Serb and non-Albanian communities in all circumstances that might arise;

e) despite the efforts of some Western countries to block further negotiations that would produce a solution for Kosovo-Metohija's status by peaceful means and in keeping with UNSC Resolution 1244, the authorized representatives of the Republic of Serbia should keep up their efforts for restarting the negotiations and finding a solution that would be in the spirit of international law;

f) the National Assembly instructs the Serbian government to ensure that all international agreements signed by Serbia, including the Stabilization and Association Agreement, shall be in the service of safeguarding the country's sovereignty and territorial integrity;

g) The National Assembly demands that all Serbian state institutions shall use every legal recourse before the competent international and national courts to safeguard the sovereignty and territorial integrity of Serbia.

18. The National Assembly demands that the Serbian government shall keep this body regularly apprised of developments in connection with Kosovo-Metohija and the implementation of the activities and measures listed above for the protection of the sovereignty, territorial integrity, and constitutional order of the Republic of Serbia.

End unofficial translation.

PEDERSON